

The Topeka State Journal.

10 CENTS A WEEK.

NIGHT EDITION.

TOPEKA, KANSAS, FRIDAY EVENING, DECEMBER 14, 1894.

TWENTY-SECOND YEAR.

DEBS IS GUILTY.

Judge Woods Gives His Decision in the Contempt Case.

Debs Declared Guilty and Given Six Months in Jail.

HOWARD GUILTY TOO.

He and the Others Receive Only Three Months.

Debs Laughed Heartily When Sentence Was Pronounced.

STRONGLY CONDEMNED

A. R. U. Leaders Are Held Responsible for Bloodshed.

Judge Says Debs' Counsel Against Violence Was Insincere.

CHICAGO, Dec. 14.—"Guilty as charged" was the finding announced today by Federal Judge Woods against President Eugene V. Debs of the American Railway Union. The same finding was reached against the other A. R. U. leaders on trial with Debs.

The finding of the court is that the defendants are guilty of contempt, but that any punishment inflicted would not be cumulative. In other words there were two cases before the court, one for contempt and the other for violation of the federal statute. The latter cause is merged into the former.

Debs was sentenced to six months in the county jail. The others on trial were given three months each, except McVane who was released because there was no evidence against him.

Judge Woods after announcing that the defendants were found guilty as charged, said it was not in accordance with procedure in such cases to permit the defendants to say why sentence should not be passed, but in this case the court would allow it.

Attorney Darrow, representing the defendants, asked that his clients might retire for a consultation regarding what they should say, and after a brief recess the strike leaders filed back into court, ranging themselves before the bench.

Attorney Darrow, speaking for them, said that they had no wish to make separate speeches, but felt they had done no wrong. The attorney advised the court that Director McVane, one of the defendants, was out of the city during the strike.

A lengthy argument between attorneys followed over the proposition to discriminate against the defendants on the ground that they were leaders. The court terminated by suspending sentence on McVane.

In sentencing the other defendants Judge Woods said: "Punishment should be neither vindictive nor trivial. These men were in wilful contempt, under what legal advice I should like very much to know. These men were leaders in a great measure of law-breakers and are responsible as leaders. Ignorant men who followed them have been punished. Mr. Debs is more responsible than any other. He is a man of marked ability and power over men. I feel constrained to discriminate between him and the others. The punishment against all the defendants except Debs is three months in jail, and against Debs six months."

The defendants did not appear particularly crushed by the punishment. Debs bowed his tall gaunt form and whispered a few words to his sister, who sat near, and they both laughed heartily. Howard and Hogan exchanged smiling glances, and Kelher grasped his attorney's hand and appeared to offer congratulations. It was evident that all had expected much more severe sentences and all were a look of relief. Debs drew his people together and instructed them to say nothing for publication setting them an example by refusing to discuss the case at all.

After the moment of excitement was over the sentence had subsided the court announced that the punishment was not to take effect for ten days in which time the defendants' attorney will prepare an appeal.

The prospective prisoners after a short consultation with their attorneys left the court room. The defendants with their official positions in the A. R. U. are: President, Debs; vice president, Howard; secretary, Kelher; treasurer, Rogers; and directors, Burns, Elliott, McVane, Hogan and Gookwin.

Judge Woods' Decision.

Beginning with the question, "Did the defendants violate the injunction," Judge Woods said:

"Their conduct is only in question and their admissions are quoted because they confirm the inference deducible from other evidence that no essential and voluntary modifications of their course of action either followed or was caused by the injunction. Their original intention, it is true was only to prevent the use of Pullman cars, but finding as they did immediately that aim would be thwarted by the discharge from service of men who refused to handle those cars, they began as early as June 27, the day after the boycott was proclaimed, to issue orders to strike, and from that time to the end to the extent of their ability they conducted and controlled the strike with persistent consistency of purpose, and unvarying methods of action."

"An officers of the A. R. U. it is beyond question that the defendants had practical control of the strike, guiding as they chose the movements of the men actively engaged."

Under the conditions of last summer when there were many idle men seeking employment, it was impossible that a strike which aimed at a general cessation of business upon the railroads of

the country could succeed without violence and it is not believed that the defendants entered upon the execution of their scheme without appreciating the fact and without having determined how to deal with it.

"The inference, therefore, is a fair one aside from the direct evidence to the point that they expected and intended that this strike should differ from others in its magnitude of design and boldness of execution, and that the accustomed accessories of intimidation and violence so far at least as found essential to success would not be omitted. For that much the striking extreme, acting on the promptings of self-interest without mitigation or direct suggestion, and even in spite of arguments to the contrary may ordinarily be counted on."

"Such admonitions against violence were sent out occasionally by the defendants, but it does not appear that they were ever heeded, and I am not able to believe on the evidence that in the fullest sense it was expected or intended that they should be. I am able and quite ready to believe the defendants not only did not favor but deprecated extreme violence, which might lead to the destruction of property of human life; but the chief aim, I am convinced was to secure the good will of the public."

Warnings Against Violence Insincere.

"To that end the warnings against acts of depredation or visible destruction of property it may well be believed were insincere, but their followers did not understand and this court cannot believe that it was intended to forbid intimidation and the milder forms of violence, which did not directly involve the destruction of property, or severe injury to persons, and which, for that reason, it seems, were assumed to be unlawful and employed in the interests of organized labor in a contact with 'an alliance of rich and powerful corporations.'"

The judge said the alleged advice of counsel neither justifies nor mitigates a wrong or error committed in the past, but it is a consideration in passing upon the merits of the case. "With all that is said about guarding property, keeping the peace and being the first to arrest offenders," he continued, "no one was arrested and no effort was made by strikers, or members of the A. R. U. to preserve the peace or to protect property. On the contrary, many of the defendants in scenes of violence and disorder."

"If this strike, like others, was understood to be war, not necessarily of blood and bullets, but a conflict between contending interests of classes, of interests in which strategy and to be employed to keep the men in line it was more than a peaceful strike or mere cessation from work. Had it been only that, the injunction, instead of being a hindrance would have been in their hands the very weapon they needed to enable them to suppress the violence and disorder in which alone they say they saw possible danger to the success of their cause."

Debs' Incendiary Language.

"It is shown by the testimony of two or more witnesses that on the night of June 29 Debs and Howard and Kelher attended a meeting of the local union at Blue Island, a suburb of Chicago on the line of the Rock Island & Pacific railroad, that he and Howard each addressed the men. That on the next day was inaugurated a 'condition of turbulence,' which a witness declared he 'did not think could exist.'"

"And notwithstanding the efforts of the United States marshals by reading the injunctions and otherwise to quell the disturbances nothing was accomplished until the fifth of July when federal soldiers arrived. These things directly followed, and in a large measure, I think it not unwarranted to say, were the natural and probable result of the speech and counsel given to the men by Debs and Howard at the meeting on the night of the 29th at Blue Island."

"Suggestions calculated to incite the acts of violence or intimidation were contained in many of the telegrams which were sent to the names of Debs and Howard, and which were the basis for their answers to the contrary. It is no longer possible for any of the defendants to deny some measure of responsibility."

Wrong Didn't Justify Results.

"Much has been said but without proof of the wrongs of the workers. Pullman, of an alliance between the Pullman company and railway managers to depress wages, and generally of corporate oppression and arrogance, but it is evident that these things, whatever the facts might have been proved, or imagined to be, could furnish neither justification nor palliation for giving up a city to disorder and for paralyzing the industries and commerce of the country."

"The court therefore finds the defendants guilty of contempt as charged in each of the cases. The same sentences will be ordered in both cases, but it is not intended that they shall be cumulative."

GOMPERS ON THE DECISION.

Denounces Judge Woods for Not Allowing a Jury Trial.

DECEMBER 14.—President Gompers said regarding the decision of Judge Woods in the Debs case:

"I think it contemptible for any judge to take from a citizen of the United States the right of trial by jury. If Mr. Debs is guilty of any criminal act, a jury of his peers should be called for giving up a city to disorder and for paralyzing the industries and commerce of the country."

The part of Judge Woods' decision relating to this point is as follows:

"The jurisdiction of the courts of equity and by implication the right to punish for contempt are established by the constitution equally with the right to trial by jury and so long as there is no attempt to extend jurisdiction over subjects not properly cognizable in equity, there can be no ground for the objection that the right of jury trial has been taken away."

"The same act may constitute a contempt and a crime but the contempt is one thing; the crime another and the punishment of one is not a duplication of the punishment of the other. The contempt can be tried and punished only by the court, while the charge of crime can be tried only by a jury."

Fine specialists at the Kindergarten Minstrels tonight and tomorrow night.

THIS IS SHAMEFUL.

Twenty-nine Respectable Women Summoned Into Police Court.

To Testify Against a Certain Notorious Woman.

DONE TO SPITE THEM.

Police Officials Guilty of Dragging These Ladies

Into the Foul Mire of the Police Court,

ALL FOR PRESUMING

To Complain of an Evil Resort in Their Neighborhood.

A Disgraceful Affair That Demands an Investigation.

Police Captain Peter Gish appears to be guilty of a malicious and outrageous act in causing twenty-nine respectable women, wives and mothers, to be subpoenaed before the police court today to testify against "Lil Tack" or "Pier," a notorious woman.

A few days ago twenty-nine ladies living in the neighborhood of No. 210 Jackson street, petitioned the city council to close up the house at No. 210, which they charged was a disorderly resort. The city council is powerless in this case, and referred the matter to the police department.

The police department, or at least part of it, which has been aware of the existence of the house all the time, made a raid and arrested Lil Tack and a male companion. No further evidence was necessary to prove the guilt of the parties. The Tack woman has been many times arrested and fined; her character is known to the police.

There was no occasion to drag respectable women into police court to testify against her, and publicly subject them to the mortification of appearing in such a place. It was, to say the least, an act on the part of the police official who did it, and of those higher in power who permitted it, that deserves the condemnation of every decent citizen in Topeka. It was a direct insult to these women, and was apparently intended as such. The object was to "punish" them for applying to the city council first instead of the police force; or for complaining at all, but we are sure that many of the ladies say they knew it would be "no use" to appeal to the police force, although they did so appeal, for a certain police official frequented the house, and it was under his protection.

The Journal has information from eye-witnesses that the official visit to the house many times, and on one occasion reading such orgies as are indescribable in print.

The depth of infamy that would lead any police official to attempt to drag the wives of respectable citizens into such a hole as a police court, and bring them in contact with disorderly women, when it is appreciated in all its enormity by the people of this town, calls for the immediate removal of the official or officials who are guilty of it. Not only are the ladies indignant, but their husbands are, and their indignation may take on a violent form.

Eighteen of the women subpoenaed were in police court this morning to testify in answer to the subpoenas.

Eleven of the twenty-nine who had signed the petition and been subpoenaed failed to appear.

Charles Peasby defended the Tack woman.

Not all of the eighteen were examined and those that did testify told what they had heard said and that they had seen men go to the house at all hours of the day and night in all degrees of intoxication. The testimony was sufficient to convict.

Peasby rested his case after six or eight witnesses had been examined and made his plea, asking in his argument that the defendant be discharged because the evidence was insufficient. It took more than one woman to comprise a house of that sort, he said.

The judge took the case into consideration until Monday morning.

A good many of the women were angry about this. "They wouldn't let us tell what we knew," they said, "and they didn't ask us the right sort of questions." Several of them were very indignant.

"Why didn't they make their first complaint to us?" said Chief Lindsey, "instead of running to the city council with it? I didn't know anything at all about the house till it came to me through the council, and I told the captain to go ahead and pull it."

In the petition to the council, the complaint was made against the place as a nuisance, but in the complaint that City Attorney Eliotson made out and Captain Gish swore to before Police Judge Ensminger, the word nuisance was lost sight of.

"The wording of the complaint was made different," said Gish, "because the city has no nuisance ordinance under which to convict people. We have asked for it, but it has never been passed. I had every one of the petitioners subpoenaed because it would naturally be supposed they knew something about it, or they wouldn't allow their names to be used. We always subpoena all the witnesses we can."

The animus of the whole affair is plainly visible in the above. The object of subpoenaing the women is to intimidate citizens from complaining of evil resorts in their neighborhood.

The women who were dragged into police court two weeks ago petitioned the police to drag the Tack woman out

of the neighborhood, but their request was unheeded.

The petitioned County Attorney H. C. Safford, who referred them to the city council. It was then that the twenty-nine respectable people signed the petition to the mayor and city council asking them to have the Tack woman removed as a nuisance.

The women who signed the petition are not the wives of wealthy men, they are of the plain people, well-to-do and respectable. Had they been from the fashionable circles this town would soon be too hot to hold the police department as at present organized.

When these women were subpoenaed they held an indignation meeting among themselves, but they finally decided that they would be compelled to go into the police court as witnesses, rather than pay fines for contempt in not answering the subpoenas.

After they had been forced into court they were again indignant, because they were not allowed to tell what they wanted to, about the Tack woman and her associates.

The case in its entirety calls for an investigation by the police commissioners and the removal of the guilty officials.

EASTMAN GOES IN.

McCasey Removed by the State Board of Charities Today.

At 3 p. m. today a telephone message was received from Mr. S. L. Seabrook, attorney for Dr. Eastman, in his suit to oust Dr. McCasey, saying that the state board of charities had today accepted the resignation of Dr. McCasey as superintendent of the State insane asylum and elected Dr. B. D. Eastman in his place and that Dr. Eastman at once took formal charge of the asylum.

The board met at the asylum this morning. Mrs. Lease only being absent. It was generally understood that something would be done to quiet down affairs at the asylum which have grown constantly worse until yesterday, when two injunction suits were filed and Dr. McCasey was arrested for assaulting the assistant superintendent, Dr. Kniberg.

When Dr. McCasey tendered his resignation two weeks ago Dr. Eastman at once secured an injunction from the state supreme court to prevent the state board of charities from electing his successor until the suit brought by Dr. Eastman to oust McCasey which is pending in the supreme court could be tried.

HALF A MILLION MORE.

The Gold Shipments for Saturday's Steamer Increase.

New York, Dec. 14.—Ladenberg, Thalmann & Co. will ship \$500,000 in gold tomorrow. This makes a total of \$1,000,000 already engaged for shipment on Saturday.

Hoskie Wood & Co. have increased their shipment of gold to \$800,000. Additional gold to the amount of \$750,000, has been withdrawn from the sub-treasury, making the total amount withdrawn this week \$1,550,000.

Boston, Dec. 14.—Kiddier, Peasbody & Co. will ship \$500,000 on Saturday's steamer.

WASHINGTON, Dec. 14.—A dispatch to the treasury department from the sub-treasury at New York says that today \$2,500,000 in gold was withdrawn. The amount of the gold reserve in the treasury is therefore \$67,860,884.

WANTED TO PLEAD GUILTY

But Judge Foster Wouldn't Let Vanderberg Do It.

F. J. Vanderberg is the Leavenworth young man who was arrested over a year ago on the charge of using the United States mails to defraud. He lay in jail over a year without trial.

No attention was paid to Vanderberg by any of the authorities until the Journal took up the case and gave it publicity. He was then released.

Soon afterwards Vanderberg was tried and sentenced to jail for thirty days. He served the time and was released but a short time ago. He went to Leavenworth and endeavored to start his shattered business college again, but was once more arrested on an old charge and is again in the toils.

Vanderberg's health was broken almost by his long imprisonment and at his rearrest he was ready to give up the fight. He concluded he would plead guilty, get a light sentence and serve it out so he would be free from any further charges.

He was taken before Judge Foster last evening and pleaded guilty.

Judge Foster refused to accept the plea after Judge Huron had stated the case for Vanderberg. He said that if the statement was Vanderberg was not guilty and should not be punished. Judge Huron said that the prisoner had been in jail for more than a year and his health was failing and he had wished to plead guilty in the hope of securing a light sentence.

Judge Foster said he would reduce his bail so that he would not have to stay in jail until the next term of the district court in April. He then ordered his bond reduced from \$1,000 to \$100. Judge Foster was previously pretty well informed on the case through the STATE JOURNAL, and his action in this matter was an act of mercy and goodness on his part, which are by no means infrequent in Judge Foster's court.

A NEW TIME CARD SUNDAY.

The Santa Fe Will Hold Its St. Joseph Train Till 6:05 P. M.

There will be a slight change in the Santa Fe time card Sunday.

Only one train will be affected so far as Topeka is concerned, and that will be on the St. Joseph branch.

The train that has been leaving Topeka for St. Joseph at 5:50 p. m. will be held hereafter till 6:05 p. m. to connect with the passenger train that arrives from the west and leaves at that time for Kansas City.

The other changes will all be east of the river between Kansas City and Fort Madison, Iowa, and will not affect Topeka in the least.

Kindergarten Minstrels
Tonight and tomorrow night at the Grand. Admission 50 cents.

PERSONAL AND POLITICAL.

Governor Leavelle is at Wichita, and will return to Topeka Monday.

Labor Commissioner Todd's report on irrigation is in the hands of the printer. F. C. Newman, president of the Citizens National Bank of Emporia, is in Topeka today.

Executive Clerk J. B. French, of the governor's office, is visiting relatives at Davenport, Ia.

D. W. Naill of Abilene has the support of the Redeflector for the position of state grain inspector.

D. S. Curry, of Nortonville, Jefferson county, is a candidate for sergeant-at-arms of the house.

A boom has been started in the interest of Hill P. Wilson of Hays City for railroad commissioner.

Tom B. Hickey, who is to be a clerk in the office of the secretary of state after January 14, is in the city.

State Senator W. A. Morgan of Chase county will present Bent Murdock's fish and game law in the senate.

Editor Brady of the Lawrence World is the advance agent of the Solon O. Thacker senatorial boom.

Eugene F. Ware says the selection of Guy P. Benton to be assistant state superintendent was all right.

C. N. Sterry, general manager of the Atlantic & Pacific, is in Topeka on business with the Santa Fe receivers.

Dr. C. W. Brandenburg of Frankfort, Marshall county, is the latest Democratic candidate for railroad commissioner.

A. H. Chase of Leoti, who wants to be adjutant general, was a member of the regiment of which Receiver Aldace F. Walker of the Santa Fe was colonel.

State Senator J. W. Parker of Olathe, who was in Topeka last evening, says he is not a candidate for any office, and is simply trying to help his friends who want something.

The state board of railroad commissioners has decided that it cannot enforce contracts between individuals and railroad companies.

The annual ball of the O. R. C. will be given at Newton Christmas night, and all the Santa Fe conductors who can will attend.

W. M. Abernathy, the Topeka insurance man, has joined the crowd at the Copeland hotel to be appointed insurance commissioner.

Secretary of State-elect W. C. Edwards is kept away from Topeka just now by the serious illness of his little son with typhoid fever at the family residence at Larned.

Major Hood was in Topeka yesterday and today and returned to Emporia this afternoon. He says he will not open formal senatorial headquarters until a short time before the legislature convenes, but will be here frequently.

The Chanute Tribune says the Santa Fe officials have been expecting a hold-up on the southern division for several weeks and have been prepared for the train robbers who have not made their appearance.

County Attorney H. B. Tracy of Pottawatomie county has drawn the fire of all the rebusinismists in his county because he wrote a letter telling the district judge a grand jury would be a good thing for the county.

Phil P. Campbell, who was here this week to attend the meeting of the executive committee of the Kansas Day club says he is not a candidate for any kind of an appointment.

Charles Sennit of Olathe, who is called "Captain" by his friends, wants to be appointed commandant of the soldiers' home at Dodge City. He called on Governor-elect Morrill yesterday and talked about the matter.

Governor-elect Morrill has established office hours during which he will be at his working rooms in the Columbian building, and will not see office-seekers or their friends. His hours are from 9 to 12 a. m. and 2 to 5 p. m. At other times he will be at the Copeland ready to talk appointments.

Representative-elect I. E. Lambert of Emporia is one of the ablest and brightest members of the new house. He was in the city last evening and expressed the general feeling of Major Hood's friends when he said in an interview: "I am in favor of Major Hood for senator because I believe he is the best man for the place. The next congress will have some weighty questions of finance to deal with, and there is no man among the candidates who is so well posted on these subjects. Major Hood would make an able representative of the state in the senate on all subjects, and I would as lief have his chances as those of any other candidate."

Bert Murdock: "I am one of Major Hood's old time friends. The major is no aristocrat. He is one of the common people. He knows their interests because he has been there himself. Here's an item from my paper this week." continued Mr. Murdock, handing a reporter a clipping from a proof sheet: "Major Calvin Hood of Emporia, who has been on the cattle trail between Texas and Kansas many times and who is an expert rider of the bucking broncho and who has eaten bacon and beans, slept on the ground, rounded up cattle, prospected for mines all over Colorado and New Mexico and knows all about the practical things that make up western life, has made his twenty years' residence in this state a success. Everybody who knows him likes him."

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GIVES THE LIE.

A Bitter Quarrel Arises in the Federation of Labor.

Leaders Are Charged With Seeking Political Preferment.

GOMPERS IS FURIOUS.

Denounces the Charge and Defies the Maker of It.

Says it is a Cowardly Attack on Organized Labor.

DENVER, Dec. 14.—A "red hot fight" broke out in the convention hall of the American Federation of Labor today over the political programme submitted by the last previous convention to the various unions.

John E. Tobin of the Boot and Shoe workers asserted that the presidents and secretaries and other officers of labor organizations use their positions to secure political election and appointment.

Objection came at once from a dozen men, including President Gompers and Secretary Evans. Mr. Tobin remarked that such a show of feeling was all the proof he wanted that his shot had hit the mark.

President Gompers denounced as a lie the general charge which included him and defied Mr. Tobin or any other delegate to point to a vulnerable place in his career as to honesty. He charged that it was a cowardly, covert attack upon organized labor.

After further spirited debate the preamble to the political programme was struck out by a vote of 1,367 to 81.

Punk one declaring for compulsory education was adopted.

Planks 2 and 11 were consolidated making them read "Direct legislation through referendum" and as amended were adopted.

NEARING NEW CHANG.

The Japanese Army Is Now Within Sixteen Miles of There.

SHANGHAI, Dec. 13.—A dispatch from New Chang says that a force belonging to the Japanese army, commanded by Field Marshal Oyama, has arrived within sixteen miles of that place.

It is stated here that Chan Pei Lung, the son-in-law of Viceroy Li Hung Chang has been arrested in charge of the fort and that his property had been confiscated.

DEMOCRATS IN HASTE.

They Are Preparing to Rush Carlisle's Appearance.

WASHINGTON, Dec. 14.—There was a spirited incident before the banking and currency commission today when it resumed consideration of the currency question. Representative Walker of Massachusetts said he understood a programme had been quietly agreed on by which the currency bill would be considered by the Democrats of the committee tonight, by the full committee tomorrow night and presented to the house Monday.

Chairman Springer said, all that the committee had actually done was to agree to a meeting Saturday night, it being understood that a final vote on the bill could then be taken.

Mr. Walker thereupon moved that the committee should reconsider such agreement. He protested against this undue haste.

Mr. Walker's motion to reconsider was voted down by a strict party division.

Mr. Johnson (Rep.) of Indiana, added his protest to that of Mr. Walker.

WICHITA'S MEMBER.

A Special Election to Be Held in January to Elect Him.

Governor Leavelle who is at Wichita has consented to call a special election in the representative district in Sedgewick county where there is a vacancy caused by the death of Major U. M. Lawrence, the recently elected member.

The special election will be held about the middle of January.

Wichita Special Election.

KANSAS CITY, Mo., Dec. 14.—A special to the Star from Wichita says: Governor Leavelle this morning issued his proclamation calling a special election for December 24 to elect a representative from the 6th legislative district, the death of Major Lawrence, representative-elect having created a vacancy.

Two Notable French Deaths.

PARIS, Dec. 14.—Capt. Merhan, who accompanied the count of Paris to America in 1868, is dead. St. Jean Francois Gigoux, the well known French painter is dead. He was born at Beaune, January 6, 1838, and was made an officer of the Legion of Honor